

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS PHILLIPS,
Plaintiff,

v.

OFFICER B. EASON,
Defendant.

No. 2:24-cv-2295 DJC CSK P

ORDER AND REVISED SCHEDULING
ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis. Defendant's motion to modify the Court's scheduling order is before the Court. (ECF No. 54.) As discussed below, defendants' motion is granted.

I. BACKGROUND

This action proceeds on plaintiff's complaint alleging that defendant B. Eason was deliberately indifferent to plaintiff's safety by driving recklessly and hitting a gate, causing the side of the vehicle to collide with a steel post, breaking plaintiff's foot; plaintiff also included a personal injury claim under California law. (ECF No. 1.)

On January 6, 2025, the Court issued the discovery and scheduling order setting the discovery deadline for May 2, 2025, and the pretrial motions deadline for July 3, 2025. (ECF No. 22.) Plaintiff has been deposed, and discovery is now closed.

///

On July 2, 2025, defendant filed his first motion to modify the Court's scheduling order, and seeks to extend the pretrial motions deadline by sixty days. (ECF No. 27.)

II. GOVERNING STANDARDS

"The district court is given broad discretion in supervising the pretrial phase of litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'" Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

III. DISCUSSION


Defendant timely moved to extend the pretrial motions deadline. Following plaintiff's deposition, counsel for defendant requested additional records and follow up with relevant mechanical specialists at the facility where plaintiff was housed at the time of plaintiff's injury. (ECF No. 27-1 at 2.) While investigating the merits of this case, counsel has been drafting a dispositive motion, but needs additional time to complete the draft, and finish organizing relevant defense materials. In the meantime, plaintiff expressed his willingness to discuss a resolution of this case. (Id.) Defendants have shown good cause to modify the scheduling order. It does not appear that plaintiff will be prejudiced by this extension.

IV. CONCLUSION

Accordingly, IT IS HEREBY ORDERED that defendant's motion to modify the scheduling order (ECF No. 27) is granted. The pretrial motions deadline is extended to September 1, 2025. In all other respects, the January 6, 2025 discovery and scheduling order (ECF No. 22) remains in effect.

Dated: July 7, 2025

/1/phil2295.16b


CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE